

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

NORTHROP GRUMMAN CORPORATION

Employer

and

SALARIED EMPLOYEES ASSOCIATION

Petitioner

**CASE 5-RC-14890**

**DECISION AND ORDER**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>1/</sup>
3. The labor organization involved claims to represent certain employees of the Employer.<sup>2/</sup>
4. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act for the following reasons:<sup>3/</sup>

**SEE ATTACHED**

**ORDER**

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is dismissed.

**RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, D.C. 20570. This request must be received by the Board in Washington by **October 6, 1999**.

Dated September 22, 1999

at Baltimore, MD

/s/ LOUIS J. D'AMICO

Regional Director, Region 5



1/ The parties stipulated, and I find, that Northrop Grumman Corporation, a Delaware corporation with offices and places of business in Hunt Valley, Maryland, Linthicum, Maryland (also referred to herein as BWI), and other locations in various states, is engaged in the manufacture and non-retail sale and distribution of electronic products for the aerospace industry. During the preceding twelve-month period, the Employer sold and shipped from its Maryland facilities, products, goods, and materials valued in excess of \$50,000 directly to locations outside the State of Maryland. In 1999, the Employer's Electronic Sensors and Systems Sector, in which the employees involved in this petition work, has provided over \$1,000,000,000 in goods and services to the United States Department of Defense, and its operations have a substantial impact on the national defense of the United States.

2/ The parties stipulated and I find that the Petitioner, Salaried Employees Association (hereinafter the Union or the Petitioner) is a labor organization within the meaning of Section 2(5) of the National Labor Relations Act (hereinafter the Act).

3/ At the hearing, the Petitioner amended the petition, and seeks to represent employees in the following unit, which includes approximately 136 employees:

All full-time and regular part-time employees of the Employer in the Product Support Services Department in Building 23 at the Employer's Hunt Valley, Maryland, operations, excluding professional employees, managers, guards, and supervisors, as defined in the Act.

The Product Support Services Department (PSS) is a part of the Employer's Electronic Sensors and Systems Sector, which is headquartered at the Employer's facility located in Linthicum, Maryland, near Baltimore-Washington International Airport. The Sector maintains facilities in California, Connecticut, and New York, in addition to the Hunt Valley and BWI locations in Maryland, but most of its production work is performed at BWI. The functions performed by the employees working at Hunt Valley include repairing products manufactured by the Employer and building spare parts and test equipment. Although some of the Employer's repair work is performed at BWI, the majority of such work is done at Hunt Valley. The Hunt Valley and BWI facilities are located approximately 25 to 30 miles from each other. The Employer asserts that approximately 4,000 employees work at the BWI facility in various departments.

The Employer's employees working at BWI are represented in various collective-bargaining units by three labor organizations, including the Petitioner, which represents approximately 785 of those employees. The other two unions are Local 1805, International Brotherhood of Electrical Workers, AFL-CIO, and Local 130, International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, AFL-CIO-CLC. There is no history of collective-bargaining at the Hunt Valley facility. The Employer plans to place the 136 employees who are the subject of the instant petition into the various units separately represented by the three labor organizations upon the completion of the move from Hunt Valley to BWI. According to the Employer's plans,

the PSS employees will perform the same work after the move that they perform now, although their job titles will change.

When the Employer acquired the business in 1996, it began to study ways in which efficiency could be maximized. Prior to that time, the Employer's predecessor had moved some of its operations from Hunt Valley to other locations, and since 1996, the Employer has closed or subleased two more buildings at the Hunt Valley location. The Employer's predecessor began the Sector's operations at Hunt Valley in 1964. At its peak of operations, approximately 3,000 employees were employed there. At the time of the hearing, that level of employment had dropped to approximately 200, including the approximately 136 employees the Petitioner seeks to represent. PSS is the last department performing work at Hunt Valley.

In March 1997, representatives of the Employer met with representatives of the three labor organizations and announced that PSS would be moved from Hunt Valley to BWI by the end of 1997. The move did not take place at that time, however. In 1998, all three labor organizations entered into new collective-bargaining agreements with the Employer. Although the proposed move from Hunt Valley to BWI was discussed during those contract negotiations, no agreement was reached specifically concerning that proposed move.

By memorandum dated December 10, 1998, addressed to the Hunt Valley employees, the Employer announced that the operations performed at Building 23, in which all of the employees covered by the instant petition work, would be relocated to BWI by the end of 1999. The Employer has developed a detailed schedule regarding the transportation of equipment, tools, and materials from Hunt Valley's Building 23 to BWI covering the period from September 1 through October 30, 1999. The Employer plans to commence operations of all functions currently performed at Hunt Valley on November 1 at BWI. After the move, the current Hunt Valley employees will be located in various places within the East Building and the West Building, which are two large structures at the Employer's BWI facility. Although the record is not entirely clear on this point, it appears that a relatively small number of calibration and shipping and receiving employees will be relocated from Hunt Valley to the East Building, while the remainder of the PSS employees will be relocated to the West Building. The Employer plans to place five of the transferred employees into the unit represented by the IBEW Local, 87 employees into the unit represented by the IUE Local, and the remaining 44 employees into the unit represented by the Petitioner. The East Building and the West Building currently house various functions and numerous employees represented by those three labor organizations.

The Employer asserts that the November 1 completion date could be changed by only a few days, and only if a highly unusual event such as a blizzard were to occur. When the hearing in this case was held on September 9, the move was under way and on schedule, and the Employer has entered into binding contracts with moving companies. In addition, the Employer's facility at BWI is being re-configured through the

construction of new work spaces to permit the relocation of the Hunt Valley operations to BWI. Most aspects of that construction work are 85 to 90 per cent complete. The Employer anticipates that there will be a hiatus in the PSS operations for only a few days, while the equipment is being moved.

## **DISPUTED ISSUE**

Whether the petition should be dismissed because, in view of the imminent closing of the facility involved, no useful purpose would be served by conducting an election.

## **POSITIONS OF THE PARTIES**

### **PETITIONER**

The Petitioner asserts that it seeks to represent currently unrepresented employees who are performing work at the Hunt Valley facility. The Petitioner also contends that if it wins the election, a certification could issue within a month of the hearing, and any issues raised by the relocation of the employees in the Unit could be resolved at the time of the actual move. The Petitioner notes that the employees will enjoy a continuing employment relationship with the Employer, and asserts that the employee complement within the Unit is substantial and representative. In that regard, the Petitioner notes that the Employer has planned the complete relocation of the employees in the Unit in the past, and that the move did not occur. The Petitioner also asserts that if an election is not conducted, the Unit employees will be prevented from exercising their Section 7 rights.

### **EMPLOYER**

The Employer contends that the relocation of the PSS employees from Hunt Valley to BWI is imminent, and that conducting an election at this time would not effectuate the purposes of the Act. In that regard, the Employer asserts that the move will be complete before the election results can be certified. In addition, the Employer argues that the Petitioner does not seek to represent the Unit employees at the Hunt Valley location, but rather to represent those employees at BWI after the move is complete. Therefore, according to the Employer, the Petitioner seeks to circumvent the Employer's current plans to place the Hunt Valley employees in bargaining units represented by the other two labor organizations that represent employees at BWI.

## **CONCLUSIONS**

I conclude that no useful purpose would be served by conducting an election among the employees in the Unit described above because of the imminent cessation of

the Employer's operations at Hunt Valley. See Martin Marietta Aluminum, Inc., 214 NLRB 646 (1974). The Board normally conducts an immediate election where there is definite evidence that the employee complement at the time of the election will be substantial and representative of the complement at the post-move location. See NLRB v. AAA Alternator Rebuilders, 980 F.2d 1395, 1397-98 (11th Cir. 1993); Douglas Motors Corp., 128 NLRB 307, 308 (1960). In the instant case, the 136 employees whom the Petitioner seeks to represent at Hunt Valley constitute a small portion of the employee complement at BWI, where they will be working after the move. Therefore, the employees whom the Petitioner seeks to represent do not constitute a substantial and representative group with respect to the post-move location. Moreover, those 136 employees will be dispersed among the existing collective-bargaining units represented by three labor organizations at BWI, including the Petitioner.

Furthermore, the degree of certainty that the move will be completed on or about November 1, 1999, is quite high. Thus, the construction of the spaces within the buildings at BWI where the transferred employees will work is well under way; the Employer has entered into binding contracts with moving companies; some of the items necessary for PSS's operations at BWI had been moved by the time of the hearing; and the Employer has a detailed schedule concerning the transfer of all equipment and materials necessary for the relocation. Under these circumstances, the Employer's failure to complete the move in 1997, as anticipated that year, does not warrant a finding that the currently scheduled move is not imminent.

The Petitioner contends that an election should be conducted because the Employer does not plan to terminate the employees upon its closing of the Hunt Valley facility, citing Larson Plywood Co., 223 NLRB 1161 (1976). Rather, the Petitioner argues, the Hunt Valley employee complement will remain unchanged after the move because the employees will be transferred to BWI, where they will perform the same work. I conclude, however, that the Hunt Valley employee complement will change substantially when the employees move to BWI, where they will be dispersed to a variety of locations within the Employer's two large buildings, and where their work locations will be near those of much larger groups of employees represented by the Petitioner and two other labor organizations. Therefore, under the facts of this case, I conclude that the Employer's retention of these employees is not determinative of the outcome of this proceeding, and does not materially distinguish these facts from those of Larson Plywood or Martin Marietta Aluminum, where the employers planned to terminate the employees upon the cessation of operations at those facilities.

Also contrary to the Petitioner, I find that the facts of this case are distinguishable from those of AAA Alternator Rebuilders. There, the Board conducted an election before a planned move. Unlike the instant case, however, the employer's operations at the new facility were nearly identical to those at the old location with respect to the size and composition of the employee complement, as well as the nature of the business.

In light of the foregoing, I find that, in view of the imminent closing of the plant involved, and the transfer of the employees to a substantially larger facility, no useful purpose would be served by conducting an election herein. Therefore, the petition is hereby dismissed.

347-8020-2025; 347-8020-6000